

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

FILED - CLERK
U.S. DISTRICT COURT

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TX EASTERN - LUFKIN

BY _____

RONALD FARROW AND ALL
SIMILARLY SITUATED EMPLOYEES

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§

VS.

SGS NORTH AMERICA, INC.

C.A. No. 9:07cv277

Judge Clark

PLAINTIFFS' ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, RONALD FARROW AND ALL SIMILARLY SITUATED EMPLOYEES, Plaintiffs in this cause, and file Plaintiffs' Original Complaint, complaining of SGS NORTH AMERICA, INC., and would show as follows:

PARTIES

1. Plaintiff Ronald Farrow is an individual appearing in Court through his attorney of record.
2. Defendant, SGS North America, Inc., can be served through its registered agent CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201.

JURISDICTION AND VENUE

3. This case is governed by federal jurisdiction arising under 28 U.S.C. sec. 1331. Venue is proper in this District and Division, since the violations of federal law at issue occurred in this District and Division.

FACTS AND CAUSES OF ACTION

4. The Defendants violated the Federal Fair Labor Standards Act, 29 U.S.C. 201 *et seq.*, sec. 216(b), 28 U.S.C. sec. 1331 and 28 U.S.C. sec. 1337, by having its hourly (non-exempt) employees engage in overtime work without paying the federally-required overtime pay.

Plaintiff is owed sums of money for his overtime work which Defendant has not paid at this time and will not voluntarily pay. Plaintiff was not an exempt employee as that term is defined under the Texas Labor Code and the Fair Labor Standards Act. Further, Defendant's compensation rules specify that Plaintiff was employed as a "Non-Exempt Inspector."

5. Plaintiff will show that the Defendant acted with direct and actual knowledge that its conduct was in violation of state and federal law. Plaintiff sues for all overtime benefits due and owing to him from the Defendants. Plaintiff hereby seeks to recover all of his overtime pay, all attorney's fees incurred in the prosecution of this cause of action, statutory penalties for a knowing violation of state and federal law, exemplary damages, and all costs and expenses. At this time, Plaintiff sues for a total amount of \$140,000.00.

6. Due to the willful violations of the Defendant, Plaintiffs, individually, and as a class, seek to recover all statutory enhancements authorized under federal law, as well as to toll the statute of limitations to class members due to Defendant's willful violations of the FFLSA.

7. Plaintiffs sue for all overtime benefits due and owing to them from the Defendant, and Plaintiff also sues to be representative for all similar situated employees in a class action brought through the FLSA §216(b). Plaintiff named herein shall present evidence that similarly situated potential Plaintiffs exist. Second, Plaintiff shall present concrete evidence

demonstrating that he is entitled to overtime pay. Upon presenting this evidence that a class exists pursuant to the FLSA, Plaintiff requests that this Court issue an appropriate order for a "opt-in" class action for all overtime wages due and owing to employees of Defendant who are similarly situated to the Plaintiff.

8. Plaintiff hereby seeks to recover all of his overtime pay, all attorney's fees incurred in the prosecution of this cause of action, statutory penalties for a knowing violation of federal law, exemplary damages, and all costs and expenses.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendant be cited to appear and answer herein and that this Court certify a Class Action, and upon final hearing of this case Plaintiff has judgment against Defendants for all actual damages, together with interest at the lawful rate until judgment, and post-judgment at the lawful rate, costs of court, attorneys' fees, statutory penalties or exemplary damages, and provide such other and further relief, at law or in equity, both general and specific, to which Plaintiff may be justly entitled.

Respectfully submitted,

LINDSAY & MORGAN, P.L.L.C.

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RONALD FARROW

JURY DEMAND

Plaintiff respectfully requests a jury in this matter.



JOHN S. MORGAN